

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROLAND CAMPBELL,  
Plaintiff,

v.

TODD M. MCMAHON, et al.,  
Defendants.

Case No. [15-cv-00376-JSC](#)

**ORDER DENYING LEAVE TO FILE  
AMENDED COMPLAINT; OF  
PARTIAL DISMISSAL**

Plaintiff, an inmate in the Santa Clara County Jail, filed this pro se civil rights complaint under 42 U.S.C. § 1983 against two San Jose Police Officers for using excessive force against him during the course of his arrest. The Court found that the Complaint stated cognizable claims against the two officers and ordered the United States Marshal to serve them. The Complaint also named the San Jose Police Department as a defendant, but made no allegations against it, let alone sufficient allegations to establish municipal liability. Consequently, the claims against the Police Department were dismissed with leave to amend. Plaintiff filed an amended complaint, but it also makes no allegations against the Police Department. As the amended complaint does not cure the deficiencies found in the original complaint, leave to file a further amended complaint is DENIED and the claims against the San Jose Police Department are DISMISSED. This case will proceed in accordance with the schedule set forth in the Order of Service solely on the basis of the claims set forth in the original Complaint against Officers McMahon and Williams.

**IT IS SO ORDERED.**

Dated: May 13, 2015

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge